



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

June 15, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article Number: 7015 3010 0000 7504 1594

Scott Glezen
Glezen Farms, LLC
149 Owen Hill Road
Lisle, NY 13797

Re: Consent Agreement and Final Order
Matter of Scott Glezen and Glezen Farms, LLC
Docket No. CWA-02-2016-3312

Dear Mr. Glezen:

Enclosed please find the executed Consent Agreement and Final Order ("CA/FO") negotiated with you and Glezen Farms, LLC to settle the above-referenced enforcement action. Per paragraph 9 of the CA/FO, the first of six payments of \$2,500 each is due within 30 days of your receipt of the CA/FO, and the remaining 5 payments must be made within 60, 90, 120, 150, and 180 days of your receipt of the CA/FO, respectively.

If you have any questions, please contact me at (212) 637-3203.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris", is written over a horizontal line.

Christopher Saporita
Assistant Regional Counsel

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF

Scott Glezen and Glezen Farms, LLC
1024 Caldwell Hill Road
Lisle, NY 13797

Respondents

SPDES Permit No. NYA000237

Proceeding pursuant to Section 309(g) of
the Clean Water Act, 33 U.S.C. § 1319(g)

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No. CWA-02-2016-3312

I. PRELIMINARY STATEMENT

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint referenced herein on January 26, 2016, against Respondents Scott Glezen and Glezen Farms, LLC; and

Complainant and Respondents having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order ("CA/FO") without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

II. PROCEDURAL AND FACTUAL BACKGROUND

1. EPA initiated the instant proceeding against Respondents for the assessment of a civil penalty, pursuant to Section 309(g) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(g).
2. The Complaint alleges that Respondents are liable for two distinct violations of the Clean Water Act in the operation of its concentrated animal feeding operation at 1024 Caldwell Hill Road, in Lisle, New York, each of which continued for approximately 40 days, and which resulted in, among other things, the unlawful discharge of pollutants into waters of the United States, in violation of Sections 301 and 402 of the Act, 33 U.S.C. § 1311 and § 1342, respectively, and proposes to assess a civil penalty of twenty thousand dollars (\$20,000).
4. Respondents have not filed an Answer.
5. Respondents stipulate that the EPA has jurisdiction over the subject matter alleged in this Complaint. Respondents waive any defenses they might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in the Complaint, consent to the terms of this Agreement.

6. Respondents hereby waive their right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

III. TERMS OF SETTLEMENT

7. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the nature of the violations, and other relevant factors, EPA has determined that **fifteen thousand dollars (\$15,000)** is an appropriate civil penalty to settle this action.
8. Respondents consent to the issuance of this CA/FO, and agree, for the purposes of settlement, to pay the civil penalty cited in the foregoing paragraph.
9. Respondents shall pay the penalty in six equal monthly installments of two thousand five hundred dollars (\$2,500). The first payment shall be submitted within 30 days of Respondents' receipt of the fully executed CA/FO, and the remaining five payments shall be made within 60, 90, 120, 150, and 180 days of Respondents' receipt of the executed CA/FO, respectively.
10. Payments shall be made by one of the following methods:

By cashier's or certified check, including the name and docket number of this case, payable to "Treasurer, United States of America," mailed to:

Regular Mail

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Overnight Mail

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

By Wire Transfer, directed to the Federal Reserve Bank of New York with the following information:

ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33

33 Liberty Street
New York, NY 10045

Field tag 4200 of Fedwire message should read, "D 68010727 Environmental Protection Agency."

Online, through the Department of Treasury, at www.pay.gov. Enter "sfo 1.1" in the search field. Open the form and complete the required fields.

11. Respondents shall also send copies of the checks to each of the following:

Christopher Saporita, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007

and

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007

12. Failure to pay the penalty in full according to the above provisions will result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.
13. If any of the payments are not received on or before the applicable due date(s), interest will be assessed at the annual rate established by the Secretary of Treasury pursuant to the Debt Collection Act, 31 U.S.C. §3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of fifteen dollars (\$15) will be assessed for each thirty (30) day period (or any portion thereof) following a due date in which an overdue balance remains unpaid. A six percent (6%) per annum penalty also will be applied on any principal amount not paid within ninety (90) days of a due date.

In addition, pursuant to Section 309(g)(9) of the Clean Water Act, 33 U.S.C. §1319(g)(9), if any of the payments are not received by the applicable due date, a quarterly nonpayment penalty will be imposed for each calendar quarter during which such nonpayment persists. The quarterly nonpayment penalty is twenty percent (20%) of the aggregate amount of penalties and quarterly nonpayment penalties which are unpaid as of the beginning of such quarter. Respondents will also be required to pay attorneys fees and costs for collection proceedings in connection with nonpayment.

14. The penalty to be paid is a civil penalty assessed by the EPA and shall not be deductible from Respondents' federal or state taxes.
15. This CA/FO shall not relieve Respondents of their obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
16. This CA/FO constitutes a settlement by the EPA of all claims for civil penalties pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), for the violations alleged in the Complaint. Compliance with this CA/FO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA, and it is the responsibility of Respondents to comply with all such laws and regulations.

17. Each undersigned representative of the parties to this CA/FO certifies that she or he is fully authorized by the party represented to enter into the terms and conditions of this CA/FO and to execute and legally bind that party to it.
18. The provisions of this CA/FO shall be binding upon Respondents, their officers, directors, agents, servants, authorized representatives, and successors or assigns.
19. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CA/FO.
20. Respondents consent to service upon it by delivery of a copy of this CA/FO by an EPA employee other than the Regional Hearing Clerk.

FOR RESPONDENT:

BY:


SIGNATURE

6/9/16
DATE

Scott Glezen
NAME (Please print)

Owner
TITLE (Please print)

FOR COMPLAINANT U.S. EPA:

Dore LaPosta

6/15/16
DATE

DORE LAPOSTA
Director, Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007

IV. FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b), the above Consent Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order. Pursuant to 40 C.F.R. § 22.45, this Order shall be effective ten days from the date signed below.



DORE LAPOSTA
Director, Division of Enforcement and Compliance Assistance
United States Environmental Protection Agency, Region 2
290 Broadway, New York, NY 10007



Date

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF

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the Clean Water Act, 33 U.S.C. § 1319(g)

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No. CWA-02-2016-3312

CERTIFICATE OF SERVICE


I certify that, on the date noted below, I caused to be mailed, by certified mail, return-receipt-requested, a copy of this **"Consent Agreement and Final Order"** to:

Scott Glezen
Glezen Farms, LLC
149 Owen Hill Road
Lisle, NY 13797

I further certify that, on the date noted below, I caused to be mailed, by EPA internal mail (pouch), the original and a copy of this **"Consent Agreement and Final Order"** to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007-1866

6/15/16
Date


Signature

Yolanda Mayette
Print Name

Branch Secretary
Title